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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Confirmation No.: 3322
Application No.: 09/516,758
Invention: HOSPITAL METER SYSTEM
Inventor: James R. Kurtcock, et al.
Filed: March 1, 2000
Attorney
Docket: 5727-63370
Examiner: Lyle A. Alexander

Certificate Under 37 CFR 1.8(a)

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on October 28, 2005

Kim Tyree
(Signature)

Kim Tyree
(Printed Name)

APPEAL BRIEF

Mail Stop Appeal Brief
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This appeal brief is submitted in triplicate in furtherance of the appeal taken August 29, 2005. The Commissioner is hereby authorized to charge the \$500.00 fee for filing this appeal brief, as well as any other fees which may be necessary to constitute this a timely filed appeal brief, to Appellants' undersigned counsel's deposit account 10-0435, with reference to file number 5727-63370. A duplicate copy of this authorization is enclosed for this purpose.

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REAL PARTY IN INTEREST

The real party in interest is Roche Diagnostics Operations, Inc., by virtue of an assignment from the inventors to Roche Diagnostics Corporation recorded April 27, 2000 in the records of the Patent and Trademark Office on patent record reel 010779, beginning at frame 0022, and an assignment from Roche Diagnostics Corporation to Roche Diagnostics Operations, Inc. recorded September 2, 2004 in the records of the Patent and Trademark Office on patent record reel 015215, beginning at frame 0061.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

Claims 1-25 are cancelled without prejudice to Applicants' right to pursue these claims in (a) future divisional application(s). Claims 26-49 are pending in this application. Of claims 26-49, the Examiner has withdrawn claims 37-49 from consideration as being directed to a non-elected invention. Applicants reserve the right to pursue these non-elected claims in (a) future divisional application(s). The remaining claims 26-36 are finally rejected. The final rejection of claims 26-36 is appealed.

STATUS OF AMENDMENTS

No amendments were filed subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

The invention may best be understood by referring to the following copies of appealed claims 26-36, annotated with parenthetical reference numbers and related notes from the detailed description.

With reference to claim 1, the invention is a healthcare data management system (20) for use with an instrument (22) for determining the concentration of a medically significant component (for example, glucose concentration; page 6, lines 19-23 of Appellants' specification) of a body fluid (for example, blood; page 6, lines 19-23 of Appellants' specification). The system (20) includes a cradle (30) for receiving the instrument (22), and an accessory box (110) for receiving the cradle (30), the accessory box (110) including a housing (112, 114, 116) and a carrying handle (150) pivotally coupled (158, 122, 122, 124, 124) to the housing (112, 114, 116). The carrying handle (150) includes two

ends (154, 156). One (154) of the ends (154, 156) includes a number of yieldable locking positions (132, 136, 124, 126, 160, 162, see page 9, line 27 through page 10, line 12 of Appellants' specification) for the handle (150) with respect to the housing (112, 114, 116).

With reference to claim 27, the invention is the apparatus (20) of claim 26 further including a non-yieldable locking position (160, 164, see page 9, line 27 through page 10, line 12 of Appellants' specification) of the handle (150) with respect to the housing (112, 114, 116).

With reference to claim 28, the invention is the apparatus (20) of claim 27 wherein the handle (150) includes a feature (169) for engagement with the cradle (30, 167) when the cradle (30) engages the accessory box (110) and the handle (150) is in the non-yieldable locking position (160, 164, see page 9, line 27 through page 10, line 12 of Appellants' specification).

With reference to claim 29, the invention is the apparatus (20) of claim 26 wherein the accessory box (110) includes a drawer (176) accessible from two opposite sides of the accessory box (110), the drawer (176) including a stop (178) for reducing the likelihood of accidental disengagement of the drawer (176) from the accessory box (110) when the accessory box (110) is withdrawn from either of said two opposite sides (see page 10, lines 19-30 of Appellants' specification).

With reference to claim 30, the invention is the apparatus (20) of claim 26 wherein the accessory box (110) includes a drawer (176) accessible from two opposite sides of the accessory box (110), the drawer (176) including latches (184) to reduce the likelihood of inadvertent opening of the drawer (176).

With reference to claim 31, the invention is the apparatus (20) of claim 26 wherein one of the ends (154 or 156) includes a button (132) which is yieldably urged into engagement with one of a number of depressions (162) which define the yieldable locking positions of the handle (150).

With reference to claim 32, the invention is the apparatus (20) of claim 31 wherein said one (154) of the ends (154, 156) further includes an opening (164) which defines a non-yieldable locking position (160, 164, see page 9, line 27 through page 10, line 12 of Appellants' specification) of the handle (150).

With reference to claim 33, the invention is the apparatus (20) of claim 31 wherein the bottoms of the depressions (162) are formed to include ramps to permit force on the handle (150) to move the handle (150) among the yieldable locking positions defined by the depressions (162) (see page 9, line 29 through page 10, line 3 of Appellants' specification).

specification).

With reference to claim 34, the invention is the apparatus (20) of claim 32 wherein the opening (164) includes a sidewall (see page 10, lines 3-4 of the Appellants' specification) which defines the non-yieldable locking position (160, 164, see page 9, line 27 through page 10, line 12 of Appellants' specification), the sidewall (see page 10, lines 3-4 of the Appellants' specification) being configured to permit locking of the handle (150) in the non-yieldable locking position (160, 164, see page 9, line 27 through page 10, line 12 of Appellants' specification).

With reference to claim 35, the invention is the apparatus (20) of claim 34 wherein the opening (164) permits access to the button (132) to permit movement of the handle (150) from the non-yieldable locking position (160, 164, see page 9, line 27 through page 10, line 12 of Appellants' specification).

With reference to claim 36, the invention is the apparatus (20) of claim 26 wherein at least one of the handle (150) and the cradle (30) includes a feature (167, 169) for engagement with the other of the cradle (30) and the handle (150) when the cradle (30) engages the accessory box (110) and the handle (150) is in the non-yieldable locking position (160, 164, see page 9, line 27 through page 10, line 12 of Appellants' specification).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

The grounds of rejection to be reviewed by the Board are whether claims 26-36 lack novelty under 35 U.S.C. § 102(b) in view of Holmes U.S. Patent No. 5,371,687 (hereinafter Holmes I), Holmes U.S. Patent No. 5,594,906 (hereinafter Holmes II) or Kelly PCT Publication No. WO 94/13198 (hereinafter Kelly).

ARGUMENT

I. NEITHER HOLMES I NOR HOLMES II ANTICIPATES THE PRESENT INVENTION

The Examiner rejected claims 26-36 under 35 U.S.C. § 102(b) as being anticipated by any one of Holmes I or Holmes II asserts that the Holmes I and II references "teach in figure 2 a case having a handle that has been read on the instant claims."

CLAIM 26

Among other limitations, claim 26 specifically requires
"an accessory box for receiving the cradle, the accessory box

including a housing and a carrying handle pivotally coupled to the housing, the carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing.”

In *Holmes I* and *II*, Fig. 2 shows a remote glucose test station 40 including a base 66 and a cover 74 as well as a handle attached to the cover 74. However, there is no description in either *Holmes I* or *Holmes II* of any “yieldable locking positions for the handle with respect to the housing,” all as recited in Appellants’ independent claim 26.

In accordance with longstanding precedent construing 35 U. S. C. § 102(b), anticipation of a claim requires a showing that a single prior art reference discloses each and every element and limitation of the claim. See, e.g., *Apple Computer, Inc. v. Articulate Systems, Inc.*, 234 F.3d 14, 20, 57 U.S.P.Q. 2d 1057 (Fed. Cir. 2000); *Electro Medical Systems, S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1052, 32 U.S.P.Q.2d 1017 (Fed. Cir. 1994); *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001 (Fed. Cir. 1991); *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1457, 221 USPQ 481, 485 (Fed. Cir. 1984); *In re King*, 801 F.2d 1324, 1326, 231 USPQ 136, 138 (Fed. Cir. 1986); *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) (“The corollary of that rule is that absence from the reference of any claimed element negates anticipation.”). The Federal Circuit Court of Appeals strictly construes the requirement for a showing of anticipation under 35 U.S.C. § 102:

“[A]n invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989) (citations omitted). Thus, a reference does not anticipate a claim if the claim contains any limitation that is neither literally nor inherently present in the reference. As noted above, neither *Holmes I* nor *Holmes II* teaches or suggests “a carrying handle pivotally coupled to the housing, the carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing” as is recited in independent claim 26. As such, neither *Holmes I* nor *Holmes II* anticipates claim 26. Accordingly, reversal of this rejection as it pertains to claim 26 is respectfully requested.

CLAIM 27

Claim 27 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least on this basis. Further, claim 27 includes “a non-yieldable locking position of the handle with respect to the housing.” As stated above, anticipation exists only if all the elements of the claimed invention are present in a product or process disclosed, expressly or inherently, in a single prior art reference. *Hazeltine Corp. v. RCA Corp.*, 468 U.S. 1228 (1984). Again, nowhere does either Holmes I or Holmes II disclose or suggest a handle having a “non-yieldable locking position . . . with respect to the housing.” Accordingly, reversal of this rejection as it pertains to claim 27 is respectfully requested.

CLAIM 28

Claim 28 depends from claim 27, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons set forth above with regards to claims 26 and 27. Further, claim 28 requires that the handle include “a feature for engagement with the cradle when the cradle engages the accessory box and the handle is in the non-yieldable locking position.” Nowhere does either Holmes I or Holmes II disclose or suggest a feature able to engage any cradle when such a cradle “engages the accessory box and the handle is in the non-yieldable locking position,” all as recited in claim 28. Holmes I and Holmes II fail to disclose required elements of claim 28. Therefore, Holmes I and Holmes II do not anticipate the invention of claim 28. Accordingly, reversal of this rejection as it pertains to claim 28 is respectfully requested.

CLAIM 29

Claim 29 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least on this basis. Further, claim 29 requires that the accessory box include “a drawer accessible from two opposite sides of the accessory box, the drawer including a stop for reducing the likelihood of accidental disengagement of the drawer from the accessory box when the accessory box is withdrawn from either of said two opposite sides.” Holmes I and Holmes II disclose a storage drawer 72. Holmes I and Holmes II further disclose that the “storage drawer 72 is slidable between base 66 and midplate 62.” See col. 5, lines 47-63 of Holmes I. However, neither Holmes I nor Holmes II discloses or suggests that the drawer 72 of Holmes I or Holmes II is “accessible from two opposite sides of the accessory box,” as specifically recited in claim 29. Therefore, Holmes I and Holmes II do not anticipate the invention of claim 29. Accordingly, reversal of this rejection as it

pertains to claim 29 is respectfully requested.

CLAIM 30

Claim 30 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claim 26. Further, claim 30 requires the accessory box to include “a drawer accessible from two opposite sides of the accessory box, the drawer including latches to reduce the likelihood of inadvertent opening of the drawer.” As discussed above in regards to claim 27, neither Holmes I nor Holmes II discloses or suggests a drawer accessible from “two opposite sides of the accessory box” as recited in claim 30. It is apparent from Fig. 1 of Holmes I and Holmes II that the drawer 72 of the remote glucose test station 40 is only accessible from a front side of the base 66 of the test station 40. Accordingly, neither Holmes I nor Holmes II anticipates the invention of claim 30. Reversal of this rejection as it pertains to claim 30 is respectfully requested.

CLAIM 31

Claim 31 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claim 26. Further, claim 31 requires that “one of the ends [of the carrying handle] include[s] a button which is yieldably urged into engagement with one of a number of depressions which define the yieldable locking positions of the handle.” Neither Holmes I nor Holmes II discloses or suggests a button on the handle shown in Fig. 2 of Holmes I and Holmes II, nor “a number of depressions which define the yieldable locking positions of the handle” into which the button may be urged into engagement. Accordingly, neither Holmes I nor Holmes II anticipates the invention of claim 31. Reversal of this rejection as it pertains to claim 31 is respectfully requested.

CLAIM 32

Claim 32 depends from claim 31, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26 and 31. Further, claim 32 requires that “one of the ends [of the carrying handle] further include[s] an opening which defines a non-yieldable locking position of the handle.” Nowhere does either Holmes I or Holmes II disclose or suggest any opening which defines such a non-yieldable locking position of the handle shown in Fig. 2 of

the Holmes I and Holmes II references. Accordingly, neither Holmes I nor Holmes II anticipates the invention of claim 32. Reversal of this rejection as it pertains to claim 32 is respectfully requested.

CLAIM 33

Claim 33 depends from claim 31, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26 and 31. Further, claim 33 requires that “the bottoms of the depressions are formed to include ramps to permit force on the handle to move the handle among the yieldable locking positions defined by the depressions.” Nowhere does either Holmes I or Holmes II disclose or suggest any depressions for receiving a button of the carrying handle. Specifically, neither Holmes I nor Holmes II discloses or suggests any depressions including “ramps [which] permit force on the handle to move the handle among the yieldable locking positions defined by the depressions.” Accordingly, neither Holmes I nor Holmes II anticipates the invention of claim 33. As such, withdrawal of this rejection as it pertains to claim 33 is respectfully requested.

CLAIM 34

Claim 34 depends from claim 32, which depends from claim 31, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26, 31, and 32. Further, claim 34 requires that the “opening [of one of the ends of the carrying handle] includes a sidewall which defines the non-yieldable locking position, the sidewall being configured to permit locking of the handle in the non-yieldable locking position.” Nowhere does either Holmes I or Holmes II disclose or suggest any sidewall of any opening which permits locking of the handle shown in Fig. 2 of Holmes I and Holmes II in a non-yielding locking position. Accordingly, neither Holmes I nor Holmes II anticipates the invention of claim 34. Reversal of this rejection as it pertains to claim 34 is respectfully requested.

CLAIM 35

Claim 35 depends from claim 34, which depends from claim 32, which depends from claim 31, which depends from claim 26. Claim 35 is thus entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26, 31, 32 and 34. Further, claim 35 requires that the “opening [of one of the ends of

the carrying handle] permit[s] access to the button to permit movement of the handle from the non-yieldable locking position.” Nowhere does either Holmes I or Holmes II disclose or suggest that the handle shown in Fig. 2 of Holmes I and Holmes II, have an opening which permits access to any button to permit movement of the handle from the non-yieldable locking position. Accordingly, neither Holmes I nor Holmes II anticipates the invention of claim 35. Reversal of this rejection as it pertains to claim 35 is respectfully requested.

CLAIM 36

Claim 36 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claim 26. Further, claim 36 requires that “at least one of the handle and the cradle include[s] a feature for engagement with the other of the cradle and the handle when the cradle engages the accessory box and the handle is in the non-yieldable locking position.” Nowhere does either Holmes I or Holmes II disclose or suggest any feature for engaging the handle shown in Fig. 2 of Holmes I and Holmes II, with a cradle, such as the housing 124 shown in Fig. 2 of Holmes I and Holmes II. Accordingly, neither Holmes I nor Holmes II anticipates the invention of claim 36. Reversal of this rejection as it pertains to claim 36 is respectfully requested.

II. KELLY DOES NOT ANTICIPATE THE PRESENT INVENTION

The Examiner rejected claims 26-36 under 35 U.S.C. § 102(b) as being anticipated by Kelly and asserts that Kelly “teaches in figure 1B a case with a handle that has been read on the instant claims.”

CLAIM 26

Among other limitations, claim 26 specifically requires

“an accessory box for receiving the cradle, the accessory box including a housing and a carrying handle pivotally coupled to the housing, the carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing.”

Kelly discloses a portable monitor assembly 100 including various input device such as data acquisition pods 150, 152 as well as cartridges 160, 162 which are coupled with a portable monitor 102, as shown in Fig. 1B of Kelly. Each cartridge is

configured to “provide both electrical and mechanical couplings when the device is mounted on the monitor 102” as noted on page 7, lines 34-36 of Kelly. The portable monitor 102 is “detachably coupled to a docking station 110 which may be positioned near the patient’s bed” as described on page 9, lines 11-14 of Kelly. Kelly’s portable monitor case 103 does indeed appear to have a handle (see, for example, Kelly’s Fig. 1B), although there is no mention of the handle in Kelly’s specification. And Kelly certainly contains no mention, nor any showing, of “a carrying handle pivotally coupled to the housing, the carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing,” all as specifically recited in claim 26. As consistently stated by the courts, anticipation exists only if all the elements of the claimed invention are present in a product or process disclosed, expressly or inherently, in a single prior art reference.

Hazeltine Corp. v. RCA Corp., 468 U.S. 1228 (1984). Kelly does not disclose the above-referenced elements of claim 26. As such, Kelly does not anticipate claim 26. Accordingly, withdrawal of this rejection as it pertains to claim 26 is respectfully requested.

CLAIM 27

Claim 27 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least on this basis. Further, claim 27 recites “a non-yieldable locking position of the handle with respect to the housing.” Again, nowhere does Kelly disclose or suggest a handle having a “non-yieldable locking position . . . with respect to the housing.” Accordingly, reversal of this rejection as it pertains to claim 27 is respectfully requested.

CLAIM 28

Claim 28 depends from claim 27, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons set forth above with regard to claims 26 and 27. Further, claim 28 requires that “the handle include[s] a feature for engagement with the cradle when the cradle engages the accessory box and the handle is in the non-yieldable locking position.” Nowhere does Kelly disclose or suggest having a feature able to engage any cradle, and specifically for engaging such a cradle when “the cradle engages the accessory box and the handle is in the non-yieldable locking position” as recited in claim 28. As such, Kelly fails to disclose a required element of claim 28 and does not anticipate the invention of claim 28. Reversal of this rejection as it pertains to claim 28 is respectfully requested.

CLAIM 29

Claim 29 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least on this basis. Further, claim 29 requires that “the accessory box include[s] a drawer accessible from two opposite sides of the accessory box, the drawer including a stop for reducing the likelihood of accidental disengagement of the drawer from the accessory box when the accessory box is withdrawn from either of said two opposite sides.” Kelly neither discloses nor suggests any drawer of the portable monitor assembly 100 and specifically does not disclose any drawer which is “accessible from two opposite sides” of any accessory box, all as recited in claim 29. Therefore, Kelly does not anticipate the invention of claim 29. Reversal of this rejection as it pertains to claim 29 is respectfully requested.

CLAIM 30

Claim 30 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claim 26. Further, claim 30 requires that “the accessory box include[s] a drawer accessible from two opposite sides of the accessory box, the drawer including latches to reduce the likelihood of inadvertent opening of the drawer.” Kelly neither discloses nor suggests any drawer of the portable monitor assembly 100 and specifically does not disclose any drawer which is “accessible from two opposite sides” of any accessory box, all as recited in claim 30. Therefore, Kelly does not anticipate the invention of claim 30. Reversal of this rejection as it pertains to claim 30 is respectfully requested.

CLAIM 31

Claim 31 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claim 26. Further, claim 31 requires that “one of the ends [of the carrying handle] include[s] a button which is yieldably urged into engagement with one of a number of depressions which define the yieldable locking positions of the handle.” Kelly does not even disclose or suggest a button on one of the ends of a carrying handle, so Kelly does not anticipate the invention of claim 31. Reversal of this rejection as it pertains to claim 31 is respectfully requested.

CLAIM 32

Claim 32 depends from claim 31, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26 and 31. Further, claim 32 requires that “one of the ends [of the carrying handle] further include[s] an opening which defines a non-yieldable locking position of the handle.” Nowhere does Kelly disclose or suggest any opening which defines any non-yieldable locking position of a handle. Accordingly, Kelly does not anticipate the invention of claim 32. Reversal of this rejection as it pertains to claim 32 is respectfully requested.

CLAIM 33

Claim 33 depends from claim 31, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26 and 31. Further, claim 33 requires that “the bottoms of the depressions [be] formed to include ramps to permit force on the handle to move the handle among the yieldable locking positions defined by the depressions.” Nowhere does Kelly disclose or suggest any depressions for receiving a button provided on the carrying handle. Nowhere does Kelly disclose or suggest any depressions including ramps which permit the force placed on the handle to move the handle among yieldable locking positions defined by depressions. Accordingly, Kelly does not anticipate the invention of claim 33. Reversal of this rejection as it pertains to claim 33 is respectfully requested.

CLAIM 34

Claim 34 depends from claim 32, which depends from claim 31, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26, 31 and 32. Further, claim 34 requires that the “opening [in one of the ends of the carrying handle] include[s] a sidewall which defines the non-yieldable locking position, the sidewall being configured to permit locking of the handle in the non-yieldable locking position.” Nowhere does Kelly disclose or suggest any sidewall of any opening which permits locking of any handle in any non-yieldable locking position. Accordingly, Kelly does not anticipate the invention of claim 34. Reversal of this rejection as it pertains to claim 34 is respectfully requested.

CLAIM 35

Claim 35 depends from claim 34, which depends from claim 32, which depends from claim 31, which depends from claim 26, and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claims 26, 31, 32 and 34. Further, claim 35 requires that the “opening [in one of the ends of the carrying handle] permit[s] access to the button to permit movement of the handle from the non-yieldable locking position.” Nowhere does Kelly disclose or suggest any handle having any opening which permits access to any button to permit movement of any handle from any non-yieldable locking position. Accordingly, Kelly does not anticipate the invention of claim 35. Reversal of this rejection as it pertains to claim 35 is respectfully requested.

CLAIM 36

Claim 36 depends from claim 26 and is entitled to favorable consideration, culminating in allowance, at least for the reasons stated above with respect to claim 26. Further, claim 36 requires that “at least one of the handle and the cradle include[s] a feature for engagement with the other of the cradle and the handle when the cradle engages the accessory box and the handle is in the non-yieldable locking position.” Nowhere does Kelly disclose or suggest any feature for engaging any handle with any cradle when any cradle engages any accessory box and any handle is in any non-yieldable locking position. Accordingly, Kelly does not anticipate the invention of claim 36. Reversal of this rejection as it pertains to claim 36 is respectfully requested.

II. SUMMARY CONCLUSIONS

The 35 U.S.C. §102(b) rejection of claims 26-36 based on Holmes I or Holmes II or Kelly are erroneous. Reversal of those rejections is respectfully requested.

Respectfully submitted,

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CLAIMS APPENDIX

26. A healthcare data management system for use with an instrument for determining the concentration of a medically significant component of a body fluid, the system including a cradle for receiving the instrument, and an accessory box for receiving the cradle, the accessory box including a housing and a carrying handle pivotally coupled to the housing, the carrying handle having two ends, one of the ends including a number of yieldable locking positions for the handle with respect to the housing.

27. The apparatus of claim 26 further including a non-yieldable locking position of the handle with respect to the housing.

28. The apparatus of claim 27 wherein the handle includes a feature for engagement with the cradle when the cradle engages the accessory box and the handle is in the non-yieldable locking position.

29. The apparatus of claim 26 wherein the accessory box includes a drawer accessible from two opposite sides of the accessory box, the drawer including a stop for reducing the likelihood of accidental disengagement of the drawer from the accessory box when the accessory box is withdrawn from either of said two opposite sides.

30. The apparatus of claim 26 wherein the accessory box includes a drawer accessible from two opposite sides of the accessory box, the drawer including latches to reduce the likelihood of inadvertent opening of the drawer.

31. The apparatus of claim 26 wherein one of the ends includes a button which is yieldably urged into engagement with one of a number of depressions which define the yieldable locking positions of the handle.

32. The apparatus of claim 31 wherein said one of the ends further includes an opening which defines a non-yieldable locking position of the handle.

33. The apparatus of claim 31 wherein the bottoms of the depressions are formed to include ramps to permit force on the handle to move the handle among the yieldable locking positions defined by the depressions.

34. The apparatus of claim 32 wherein the opening includes a sidewall which defines the non-yieldable locking position, the sidewall being configured to permit locking of the handle in the non-yieldable locking position.

35. The apparatus of claim 34 wherein the opening permits access to the button to permit movement of the handle from the non-yieldable locking position.

36. The apparatus of claim 26 wherein at least one of the handle and the cradle includes a feature for engagement with the other of the cradle and the handle when the

cradle engages the accessory box and the handle is in the non-yieldable locking position.

EVIDENCE APPENDIX

No evidence was submitted pursuant to 37 C. F. R. §§ 1.130, 1.131 or 1.132.